

# Wetlands Bureau Decision Report

Decisions Taken  
04/07/2003 to 04/11/2003

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2002-00811                      DERRY, TOWN OF**  
**DERRY   Drew Brook**

### Requested Action:

Request for permit amendment to fill approximately 1,181 square feet within the bed and banks of Drew Brook and adjacent wetlands to replace three 48-inch diameter culverts with a precast concrete box culvert, and widen roadway approaches to reduce the frequency and duration of flood-related road closures and improve roadway geometry, at the Collette's Grove Road Bridge adjacent to Derry Prime Wetland 8BD.

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### Conservation Commission/Staff Comments:

No comments received from the Derry Conservation Commission.

Inspection Date: 07/30/2002 by Christian P Williams

### APPROVE AMENDMENT:

Fill approximately 1,181 square feet within the bed and banks of Drew Brook and adjacent wetlands to replace three 48-inch diameter culverts with a precast concrete box culvert, and widen roadway approaches to reduce the frequency and duration of flood-related road closures and improve roadway geometry, at the Collette's Grove Road Bridge adjacent to Derry Prime Wetland 8BD.

### With Conditions:

1. All work shall be in accordance with the General Plan and Profile by CLD Consulting Engineers dated February 2003 and the Wetland Impact Plan by CLD Consulting Engineers dated April 5, 2002, as received by the Department on March 17, 2003.
2. This permit is contingent upon submittal of a final Erosion, Sedimentation and Turbidity Control Plan, which shall include details of proposed stream diversion/dewatering techniques, to the DES Wetlands Bureau for review and approval.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
5. Work shall be conducted during low flow.
6. No machinery shall enter the water.
7. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. There shall be no impacts to areas within the Department's jurisdiction associated with improvements to and use of the temporary gravel detour roadway.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
13. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
17. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The proposed amendment is necessary to lengthen the northwest wing-wall on the upstream side of the box culvert to provide adequate scour and erosion protection.
2. The total area of proposed jurisdictional impacts will be reduced from 1,211 square feet to 1,181 square feet.

**2003-00259                      ELMER, WESLEY**  
**DOVER   Bellamy River/little Bay**

Requested Action:

Replace and relocate an existing 10 ft x 20 ft float with a 10 ft x 32 ft float, remove and relocate two (2) pilings to secure the enlarged float system, providing 2 slips on 135 feet of frontage along the Bellamy River/Little Bay in Dover.

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Conservation Commission/Staff Comments:

Dover Con Com intervened until 3/21/2003.

Dover Con Com approved on 3/13/2003.

Inspection Date: 02/25/2003 by Christina Altimari

APPROVE PERMIT:

Replace and relocate an existing 10 ft x 20 ft float with a 10 ft x 32 ft float, remove and relocate two (2) pilings to secure the enlarged float system, providing 2 slips on 135 feet of frontage along the Bellamy River/Little Bay in Dover.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated February 3, 2003, as received by the Department on February 11, 2003.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. The New Hampshire Natural Heritage Inventory (NHNHI) has record of one state threatened plant species, Small Spike-Rush (*Eleocharis parvula*) within the project vicinity.
3. DES field inspection on February 25, 2003 finds that the state threatened plant species will not be impacted as a result of the proposed project because the NHNHI mapped location of Small Spike-Rush is not within the property limits, and is on the opposite side of the General Sullivan Bridge and Hilton Park, over one-quarter mile from the project location.
4. Public hearing is waived based on DES staff field inspection on February 25, 2003 with the finding that the project will not

significantly impact the resources of this tidal river.

5. The Pease Development Authority - Division of Ports and Harbors has determined that the proposed dock does not impede navigation.

6. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2001-01295**

**APPLETON HAMPTON LLC**

**HAMPTON Tributary To Drakes River**

Requested Action:

Revise permit description and conditions to reflect amended impact and restoration areas, as received by the Department on March 20, 2003.

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Conservation Commission/Staff Comments:

Con. Com. does not object to application.

Inspection Date: 10/17/2001 by David A Price

APPROVE AMENDMENT:

Correct permit to read: fill a total of 3,907 square feet of palustrine forested wetland at two locations for the construction of an access roadway and the construction of an elderly housing development. Temporarily impact 118 square feet of wetland at one location for construction access. Approve as mitigation, the creation of a 16,496 square feet wetland detention area, creation of a 4,076 square feet scrub-shrub wetland area, restoration of 3,243 square feet of wetland, and a conservation easement to preserve 10.69 acres of undisturbed forest consisting of 5.27 acres wetland and 5.42 acres upland, with revised permit conditions pertaining to revised conservation deed easement.

With Conditions:

1. REVISED CONDITION: All work shall be in accordance with plans by Millette, Sprague & Colwell, Inc. dated April 23, 2001 with revisions dated February 26, 2003, as received by the Department on March 20, 2003.

11. REVISED CONDITION: This permit is contingent upon the creation of a 16,649 square feet wetland detention area, the restoration of 3,243 square feet of wetlands in accordance with the wetland restoration sequence received by DES on March 20, 2003, and the creation of a 4,076 square feet scrub-shrub wetland area.

12. REVISED CONDITION: The schedule for the restoration and construction of the mitigation areas shall coincide with the site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.

13. REVISED CONDITION: The restoration and mitigation areas shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans, and the entire mitigation areas shall be preserved from future development.

15. REVISED CONDITION: Wetland creation and restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

16. REVISED CONDITION: Wetland restoration and creation areas shall be properly restored, constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

18. REVISED CONDITION: The permittee shall monitor the initial construction of the mitigation and restoration areas to assure the work is accomplished in accordance with the plans, and that the necessary soil, water and vegetation is present upon completion

of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

19. REVISED CONDITION: Monitoring reports describing and evaluating mitigation and restoration progress shall be submitted to DES Wetlands Bureau to the following schedule:

- a) upon completion of construction;
- b) at the end of first growing season;
- c) at the beginning, middle, and end of subsequent growing seasons until final delineation occurs at five years post-construction.

20. REVISED CONDITION: The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation and restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation sites.

With Findings:

- 1. REVISED FINDING: Impacting a total of 3,907 square feet of wetland is classified as a minor impact project per Wt 303.03(h).
- 4. REVISED FINDING: The proposed 16,496 square feet wetland detention area will have a shallow marsh community to provide water quality protection from site runoff.
- 5. REVISED FINDING: The proposed 4,076 scrub-shrub wetland area to be constructed at the end of a treatment swale will provide additional water quality protection from site runoff.

Requested Action:

Request name change to Appleton Hampton, LLC to: Fill a total of 4,463 sq. ft. of palustrine forested wetland at two different locations for the construction of an access roadway and the construction of an elderly housing development. Temporarily impact 230 sq. ft. of wetland at two different locations for construction access. Approve as mitigation, the creation of a 16,243 sq. ft. wetland detention area, creation of a 3,747 sq. ft. scrub-shrub wetland area, and a conservation easement to preserve 10.69 acres of undisturbed forest consisting of 5.27 acres wetland and 5.42 acres upland.

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APPROVE NAME CHANGE:

Change name to Appleton Hampton, LLC to: Fill a total of 4,463 sq. ft. of palustrine forested wetland at two different locations for the construction of an access roadway and the construction of an elderly housing development. Temporarily impact 230 sq. ft. of wetland at two different locations for construction access. Approve as mitigation, the creation of a 16,243 sq. ft. wetland detention area, creation of a 3,747 sq. ft. scrub-shrub wetland area, and a conservation easement to preserve 10.69 acres of undisturbed forest consisting of 5.27 acres wetland and 5.42 acres upland.

**2002-02295                      HUNTERLOGAN REALTY TRUST, LLC**  
**SEABROOK   Blackwater River Saltmarsh**

Requested Action:

Impact 7,450 of developed tidal buffer zone for the replacement of an existing nonconforming structure with a 30-unit motel, 1000 square foot reduction in the amount of existing impermeable surface by replacing the existing paved parking area with crushed stone, installing a 900 square foot drip strip on the north side of the building for storm water runoff treatment, and constructing a dense vegetative buffer between the proposed building and the salt marsh and property abutters.

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APPROVE RECONSIDERATION:

Impact 7,450 of developed tidal buffer zone for the replacement of an existing nonconforming structure with a 30-unit motel, 1000 square foot reduction in the amount of existing impermeable surface by replacing the existing paved parking area with crushed stone, installing a 900 square foot drip strip on the north side of the building for storm water runoff treatment, and constructing a dense vegetative buffer between the proposed building and the salt marsh and property abutters.

With Conditions:

- 1. All work shall be in accordance with plans by Millennium engineering, Inc. dated October 16, 2002, with revisions dated March

14, 2003, as received by the Department on March 24, 2003.

2. All landscape work shall be in accordance with plans by Holzaepfel Design dated December 31, 2002, with revisions dated March 14, 2003, as received by the Department on March 24, 2003.

3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

4. Coastal staff shall be notified in writing prior to commencement of work and upon completion.

5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

7. Proposed cantilevered decks shall not extend toward the salt marsh beyond the limits of the existing non-conforming structure.

8. This approval is contingent upon the proposed plans to make the property more nearly conforming to Comprehensive Shoreland Protection Act, by greatly improving the existing environmental state of this property by reducing the impermeable surface area, reducing daily traffic flow to and from the property, greatly enhancing the surrounding vegetation, and improving the storm water management.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a), projects within 100 feet of the highest observable tide line.  
2. The existing structure in this proposal is considered a "non-conforming structure" under RSA 483-B:11, which defines nonconforming structures as those erected prior to July 1, 1994, and are located within 50 feet of the reference line (highest observable tide line).

3. Per RSA 483-B:11(I), nonconforming structures may be repaired, renovated, or replaced in kind, however no expansion of the existing footprint or outside dimensions shall be permitted, except when an owner can demonstrate that the proposal represents an improvement in overall environmental quality on the site by bringing the property into greater conformity with the intent of the law.

4. Proposed plans to bring the property into greater conformity with the Comprehensive Shoreland Protection Act include a 1000 square foot reduction in the property's impermeable ground surface, a reduction in the property's daily flow of traffic, a substantial increase in the amount of vegetation to be planted along the property's borders, and improvements to the existing storm water management on the property.

5. The proposed structure shall not extend any closer to the marsh than the northern limit of the existing structure.

6. The proposed decks will not extend toward the marsh beyond the northern limit of the existing non-conforming structure.

7. Per Wt 302.03 and 302.04(a)(2), the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to the area and environment under the Department's jurisdiction.

**2003-00213                      NH DEPT OF TRANSPORTATION**  
**BRIDGEWATER   Whittemore Brook**

Requested Action:

Replace bridge deck, install toe walls, reface wing walls and abutments and install bridge and approach rails impacting 1,150 sq. ft. of stream and banks (1025 sq. ft. temporary).

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APPROVE PERMIT:

Replace bridge deck, install toe walls, reface wing walls and abutments and install bridge and approach rails impacting 1,150 sq. ft. of stream and banks (1025 sq. ft. temporary). NHDOT project #99071Q. Replace bridge deck, install toe walls, reface wing walls and abutments and install bridge and approach rails impacting 1,150 sq. ft. of stream and banks (1025 sq. ft. temporary). NHDOT project #99071Q.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 1/27/03, as received by the Department on February 3, 2003.

2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam shall be done during periods of low flow.

4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
17. Any work outside of the Right of Way shall be coordinated with the landowner prior to construction in those areas.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2002-00111                      FLAGSTONE PROPERTIES INC**  
**GOFFSTOWN    Unnamed Wetland**

Requested Action:

Approve name change to: All State Builders Inc., 16 Scott Ave., Hooksett, NH 03106 per request received 4/7/03.

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Conservation Commission/Staff Comments:

The conservation commission has concerns regarding:

1. The houses being located at the top of steep slopes.
2. The location of the stormwater detention basins.

3. The impacts to wildlife habitat.  
per thier letter dated 1/4/02.

APPROVE NAME CHANGE:

Dredge and fill a total of 1134 sq ft, disrupting 70 linear ft of intermittent stream to install a 24 inch x 40 foot culvert and associated riprap for a road crossing, in the subdivision of 29.857 acres into 10 single family residential lots and two open space lots totaling 11.63 acres.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated July 12, 2002, as received by the Department on July 25, 2002.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Access to lot 67-12 shall be by a common driveway across lot 67-11.
16. Work shall be done during no flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-00037                      BISSENETTE, KEN**  
**MANCHESTER   Unnamed Wetland**

Requested Action:

After-the-fact dredge and fill 1,000 square feet of forested wetland to install 31 linear feet of 15 inch diameter culvert and associated fill to provide access to a single family building lot.

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Conservation Commission/Staff Comments:

No locus found on USGS map. Digitized by guess and tax map.

APPROVE PERMIT:

After-the-fact dredge and fill 1,000 square feet of forested wetland to install 31 linear feet of 15 inch diameter culvert and



associated fill to provide access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Beaver Brook Environmental Consultants, LLC dated September 30, 2002, as received by the Department on January 8, 2003, except culvert length which shall be 31 linear feet in accordance with fax transmittal by Ken Bissonnette dated April 7, 2003, as received by the Department on April 7, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert inverts shall be laid at grade.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular access to a single family building lot.
2. On January 9, 2003, DES received a complaint ("complaint") that the applicant had already completed the culvert installation and as a result of the installation water was impounding on an abutting property.
3. In response to the complaint, DES personnel inspected the property on January 30, 2003. DES personnel observed that a 12 inch culvert located under Island Pond Road was blocked and was causing water to impound on the complainant's property. The culvert under Island Pond Road is owned by the City of Manchester.
4. On April 7, 2003, David Winslow of the Manchester Highway Department sent an email to DES verifying that the culvert under Island Pond Road had been cleaned out approximately a week to a week and a half ago.
5. On April 8, 2003, the applicant submitted photographs of the inverts of the culvert under Island Pond Road, the inverts of the culvert installed for a driveway crossing on his property, and the wetlands on his property and the complainant's property. Review of the photographs indicated that water was not impounding on the abutting property and was flowing naturally through the culvert installed by the applicant.

**2003-00038                      BEAUDOIN, BARRY**  
**TROY   Unnamed Pond**

Requested Action:

Dredge and fill approximately 9,000 square feet of previously disturbed palustrine forested wetland to construct a fire pond

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APPROVE PERMIT:

Dredge and fill approximately 9,000 square feet of previously disturbed palustrine forested wetland to construct a fire pond

With Conditions:

1. All work shall be in accordance with plans by the applicant dated December 20, 2002, as received by the Department on January 8, 2003, and cross section by the applicant dated February 5, 2003, as received by the Department on February 7, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Spillway shall be properly rip rapped.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 sq ft of wetland impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project will provide additional fire protection for surrounding area.

**2003-00271 PALMER GROUP PROPERTIES, LLC**  
**CARROLL Unnamed Wetland**

Requested Action:

Fill 1,665 square feet of a palustrine, shrub-scrub, broad-leaved deciduous, saturated and excavated (PSS1Bx) wetland to install a 24-inch by 36-foot culvert to access 13 lots of a 29-lot subdivision on two parcels totaling approximately 87 acres. Dredge and fill an additional 175 square feet of a palustrine, forested, broad-leaved deciduous overstory (with a saturated shrub-scrub understory) wetland (PFO1/SS1B) to construct a sanitary drain line from the proposed building envelope to the septic system at the rear of Lot #25, for a total wetland impact of 1,840 square feet.

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Conservation Commission/Staff Comments:

None

APPROVE PERMIT:

Approve the filling of 1,665 square feet of a palustrine, shrub-scrub, broad-leaved deciduous, saturated and excavated (PSS1Bx) wetland to install a 24-inch by 36-foot culvert to access 13 lots of a 29-lot subdivision on two parcels totaling approximately 87 acres. Dredge and fill an additional 175 square feet of a palustrine, forested, broad-leaved deciduous overstory (with a saturated shrub-scrub understory) wetland (PFO1/SS1B) to construct a sanitary drain line from the proposed building envelope to the septic system at the rear of Lot #25, for a total wetland impact of 1,840 square feet.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. for the Palmer Group Properties, L.L.C. "River's Edge Subdivision" in Carroll, NH dated 2/03, as received by the Department on 2/12/03.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

10. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
11. Area shall be regraded to original contours following completion of work.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. Work shall be done during low flow

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 304.09, alteration of wetlands to install a roadway crossing and a sewer drain line within a 29-lot subdivision on approximately 87 acres in the Town of Twin Mountain (Carroll).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00276                      THOMAS REV. TRUST, JOELLEN  
GREENLAND   Great Bay**

Requested Action:

Impact 676 square feet of the upland tidal buffer zone for the construction of an addition to a single family residence and removal of four (4) trees.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Greenland Conservation Commission on February 10, 2003.

APPROVE PERMIT:

Impact 676 square feet of the upland tidal buffer zone for the construction of an addition to a single family residence and removal of four (4) trees.

With Conditions:

1. All work shall be in accordance with plans by Parker Survey Associates, Inc. dated April 1974, with revisions dated February 1983, and additional recent revisions by Mark Randlett, as received by the Department on February 13, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is the tidal buffer zone and adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if

the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f).
2. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Wt 302.03.
3. The proposed development is within the upland tidal buffer zone and is within the 150 foot natural woodland buffer restriction as required by the Comprehensive Shoreland Protection Act.
4. According to the Comprehensive Shoreland Protection Act, the proposed project involves the cutting of four (4) trees, which is less than 50% of the basal area of trees, and less than 50% of the total number of samplings in a 20 year period.
5. New Hampshire Natural Heritage Inventory (NHNHI) has record of one state threatened species within the project vicinity, Marsh Elder (*Iva frutescens*). The threatened species is not located on the property and therefore will not be disturbed as a result of the proposed project.
6. This approval is consistent with other approvals in upland tidal buffer zone areas.

**2003-00347                      WILSON, ROBERT**  
**FARMINGTON   Unnamed Wetland**

Requested Action:

Dredge and fill 300 square feet of a seasonal drainage way to install a 30-inch x 20-foot culvert to provide access to a single-family building lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Farmington Conservation Commission intervened by letter dated 3/5/03, received by DES on 3/10/03. The Farmington Conservation Commission viewed the lot in question at the request of an abutter and found "no cause for concern or denial", and withdrew its request by letter dated 3/24/03, as received by DES on 3/28/03.

APPROVE PERMIT:

Dredge and fill 300 square feet of a seasonal drainage way to install a 30-inch x 20-foot culvert to provide access to a single-family building lot.

With Conditions:

1. All work shall be in accordance with the Site Plan by Orvis/Drew, LLC dated February 19, 2003, as received by the Department on February 26, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of a seasonal drainage way to install a culvert for access to a single-family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00348                      KELLEY, ROBERT & ANNA**  
**FARMINGTON   Unnamed Wetland**

Requested Action:

Dredge and fill 300 square feet of a seasonal drainage way to install a 24-inch x 20-foot culvert to provide access to a single-family, 1.54-acre building lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Farmington Conservation Commission sent intervenin letter dated 3/5/03. No follow-up to intervention as of 4/8/03, more than forty days after application 2/25/03 filing date.

APPROVE PERMIT:

Approve the dredging and filling of 300 square feet of a seasonal drainage way to install a 24-inch x 20-foot culvert to provide access to a single-family, 1.54-acre building lot.

With Conditions:

1. All work shall be in accordance with the "Site Plan for Subsurface Disposal System" prepared by Orvis/Drew LLC, dated 2/18/03, as received by the Department on 2/27/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of seasonal drainage way to install a culvert for access to a single-family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00416                      HIGGINS, JENNIFER & JEFFREY PITRE**  
**NOTTINGHAM   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,420 square feet of palustrine forested wetlands and install two 15-inch x 20-foot culverts and a 15-inch x 25-foot culvert to construct a common driveway to provide access to a 2-lot residential subdivision on approximately 11.81 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No written comments received from the Nottingham Conservation Commission.

Original application changed from Minimum Impact Expedited Application to Standard Dredge and Fill Application, per request of applicant's authorized agent.

APPROVE PERMIT:

Dredge and fill approximately 2,420 square feet of palustrine forested wetlands and install two 15-inch x 20-foot culverts and a 15-inch x 25-foot culvert to construct a common driveway to provide access to a 2-lot residential subdivision on approximately 11.81 acres.

With Conditions:

1. All work shall be in accordance with the "Topography & Soils" Subdivision Plan by Landry Surveying, LLC dated December 2002, as received by the Department on March 7, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Work shall be conducted during low flow conditions.
7. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
9. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of a forested wetland to install culverts to access two building lots created by subdivision along a common driveway.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00428                      JEWELL, GLENN**  
**NOTTINGHAM   Unnamed Wetland**

Requested Action:

Fill 1,725 square feet of forested wetlands and install a 15-inch x 20-foot culvert and a 24-inch x 20-foot culvert to construct two driveways to provide access to two lots (Lots 4 & 5) of a three lot residential subdivision on approximately 13.25 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments received from the Nottingham Conservation Commission.

APPROVE PERMIT:

Fill 1,725 square feet of forested wetlands and install a 15-inch x 20-foot culvert and a 24-inch x 20-foot culvert to construct two driveways to provide access to two lots (Lots 4 & 5) of a three lot residential subdivision on approximately 13.25 acres.

With Conditions:

1. All work shall be in accordance with the "Topography & Soils Subdivision Plat of Land for Glenn A. Jewell, Nottingham, NH" by Landry Surveying, LLC dated February 2003, as received by the Department on March 7, 2003; and the Crossing Sketch Plans by Landry Surveying, LLC dated February 14, 2003, as received by the Department on March 7, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped where appropriate.
10. Work shall be done during low flow.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet of forested wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, per Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

## FORESTRY NOTIFICATION

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**2003-00554                      WHITCHER, DAVID & JUDY**  
**PLYMOUTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Plymouth Tax Map 9, Lot# 1 & 2

**2003-00572                      JACKSON, STANLEY**  
**PLYMOUTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Plymouth Tax Map 9-1, Lot# 3

**2003-00573                      FOUGERE, GREGORY**  
**RUMNEY   Unnamed Stream**

Inspection Date: 03/31/2003 by Linda M Magoon

COMPLETE NOTIFICATION:  
Rumney Tax Map 11, Lot# 02-33

## EXPEDITED MINIMUM

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**2003-00164                      AVERILL, JOHN**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:  
Install a 6 x 50 foot seasonal pier with access steps on 161 feet of frontage on Lake Winnepesaukee.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
The Meredith Conservation Commission signed this minimum impact expedited permit application.

APPROVE PERMIT:  
Install a 6 x 50 foot seasonal pier with access steps on 161 feet of frontage on Lake Winnepesaukee.

With Conditions:  
1. All work shall be in accordance with plans by Robert Coppo dated March 3, 2003, last revised April 7, 2003, as received by the Department on April 7, 2003.  
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and



when considered with the original application are not classified as minor or major.

3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. All portions of the seasonal pier shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the seasonal pier shall extend more than 50 feet from the shoreline at full lake elevation.
9. The steps installed for access to the seasonal pier shall be located completely landward of the normal high water line.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a two-slip seasonal pier and stairs.
2. The applicant supplied dated water depths indicating that a dock of standard dimensions on this frontage would not provide sufficient water depth for a boat slip. These water depths support the need for a 50 foot dock on this frontage.

**2003-00182                      BUSA, SAM**  
**DANVILLE   Unnamed Wetland**

Requested Action:

Dredge and fill 1,625 square feet of forested wetland and intermittent stream to extend an existing 12 inch diameter RCP culvert by 10 linear feet and to realign and upgrade Brentwood Road to meet Town and safety requirements.

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Conservation Commission/Staff Comments:

The Danville Conservation Commission signed this Minimum Impact Expedited application with the condition that some additional provisions to reduce the impacts of roadway salt and sand be required since the project is adjacent to wetlands.

On March 24, 2003, DES received a copy of a memorandum from the Danville Conservation Commission to the Danville Planning Board stating that the Conservation Commission's concerns had been addressed by the applicant and the Commission had no further comments. New plans, which addressed the concerns of the Conservation Commission were submitted to DES for review and approval with this letter.

APPROVE PERMIT:

Dredge and fill 1,625 square feet of forested wetland and intermittent stream to extend an existing 12 inch diameter RCP culvert by 10 linear feet and to realign and upgrade Brentwood Road to meet Town and safety requirements.

With Conditions:

1. All work shall be in accordance with plans by Gregsak Engineering, Inc. dated December 2002, last revised January 31, 2003, as received by the Department on March 24, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be conducted during low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Proper headwall shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped where appropriate.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland and intermittent stream to upgrade an existing road.
2. A review of the Natural Heritage Inventory database indicated that there are Brook Floaters, *Alasmodonta varicosa*, in the vicinity of the project area. Fish and Game reviewed the application and stated that they had concerns only if the stream to the west of the site is perennial and contains a sandy, cobbly or gravelly substrate. A review of the USGS map for this location indicates that the stream located west of the project site is intermittent and the applicant's consultant describes the stream as "seasonal".
3. On January 13, 2003, the Danville Conservation Commission signed this Minimum Impact Expedited application with the condition that some additional provisions to reduce the impacts of roadway salt and sand be required since the project is adjacent to sensitive wetlands.
4. On March 24, 2003, DES received a letter from the Danville Conservation Commission stating that their concerns had been addressed by the applicant and the Commission had no further comments. New plans, which addressed the concerns of the Conservation Commission were submitted to DES for review and approval with this letter.
5. This project is in proximity to the Exeter River, a designated river. On February 7, 2003, the DES Wetlands Bureau contacted Steve Couture, DES Rivers Coordinator to request comment from the Local Advisory Committee for the Exeter River. No comments were received on this application.

**2003-00321 J & M REALTY TRUST**  
**CANDIA Unnamed Wetland**

Requested Action:

Request name change to: J & M Realty Trust  
357 Chester Road  
Candia, NH 03034

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Candia Conservation Commission signed this Minimum Impact Expedited permit application.

APPROVE NAME CHANGE:

Approve name change to J & M Realty Trust on permit to: Dredge and fill a total of 559 square feet of palustrine forested/scrub-shrub wetlands, containing a seasonal stream, to install 15 linear feet of 12 in. dia. CMP culvert and associated fill and 15 linear feet of 15 in. dia. CMP culvert and associated fill to provide access to a single-family building lot.

With Conditions:

1. All work shall be in accordance with plans by BAG Land Consultants dated March 28, 2003, as received by the Department on April 1, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular

access to a single family building lot.

**2003-00337                      MCKENNEY, ROBERT & MARY**  
**NOTTINGHAM   Unnamed Wetland**

Requested Action:

Dredge and fill 545 square feet of emergent wetland and seasonal drainage to install a 15-inch x 20-foot culvert for vehicular access to a single family building lot, part of a two-lot subdivision on 6.64 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Nottingham Conservation Commission signed this Minimum Impact Expedited application.

APPROVE PERMIT:

Dredge and fill 545 square feet of emergent wetland and seasonal drainage to install a 15-inch x 20-foot culvert for vehicular access to a single family building lot, part of a two-lot subdivision on 6.64 acres.

With Conditions:

1. All work shall be in accordance with the Overall Sketch Plan by Peter D. Landry dated March 20, 2003, as received by the Department on March 24, 2003, and the Topography and Soils Subdivision Plan by Landry Surveying, LLC dated December 2002, as received by the Department on February 25, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands on Nottingham Tax Map 16, Lot 19-1, for lot development, driveways, culverts, or for septic setback.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
5. Orange construction fencing shall be installed prior to construction at the limits of construction to prevent accidental encroachment on wetlands. Orange construction fencing must be removed upon completion of the project.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular access to a single family building lot.
2. Proposed future access to a buildable upland portion of Nottingham Tax Map 16, Lot 19, was shown on the plans but not included in this application because no access to this area is proposed at this time. Restriction on future wetland impacts was therefore limited to Nottingham Tax Map 16, Lot 19-1.

**2003-00380                      SHEMIN, RICHARD**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair 20 ft section of existing 73' curved breakwater and 4' x 60' cantilevered dock damaged by ice on an average of 150 ft of frontage on Governor's Island, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed. Seasonal canopy will be removed and filed under a separate A-T-F application.

APPROVE PERMIT:

Repair 20 ft section of existing 73' curved breakwater and 4' x 60' cantilevered dock damaged by ice on an average of 150 ft of

frontage on Governor's Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 24, 2003, as received by the Department on March 3, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Repair shall utilize existing rocks. No new rocks.
8. Repair shall maintain existing size, location and configuration.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2003-00407                      MORSE, STEVEN**  
**LEBANON   Unnamed Wetland**

Requested Action:

Dredge and fill 100 square feet of intermittent streambed to install 20 feet of 18 inch diameter culvert and associated fill for vehicular access to a single family building lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Lebanon Conservation Commission signed this minimum impact expedited application.

APPROVE PERMIT:

Dredge and fill 100 square feet of intermittent streambed to install 20 feet of 18 inch diameter culvert and associated fill for vehicular access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Carlisse Clough dated September 9, 2002, as received by the Department on March 6, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Culvert inverts shall be laid at grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular access to a single family building lot.
2. An 18 inch diameter culvert was chosen for the proposed crossing because an upstream culvert conveying this same intermittent stream is 18 inches in diameter.

**2003-00451                      MURPHY REVOC. TRUST, MARVERA**  
**FRANKLIN   Webster Lake**

Requested Action:

Repair in kind existing 12 ft x 22 ft boathouse, add 3 cu yds of concrete to existing foundation inside slip, and repair existing stairs accessing the boathouse deck on an average of 108 ft of frontage on Webster Lake.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed

APPROVE PERMIT:

Repair in kind existing 12 ft x 22 ft boathouse, add 3 cu yds of concrete to existing foundation inside slip, and repair existing stairs accessing the boathouse deck on an average of 108 ft of frontage on Webster Lake.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 5, 2003, as received by the Department on March 14, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Repair shall maintain existing size, location and configuration.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2003-00471                      CARGILL, WILLIAM**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Install a hinged seasonal 6 ft x 40 ft dock connected to a 6 ft x 3 ft concrete pad recessed into the bank on an average of 138 ft of frontage on Blackey Cove, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Install a hinged seasonal 6 ft x 40 ft dock connected to a 6 ft x 3 ft concrete pad recessed into the bank on an average of 138 ft of frontage on Blackey Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Robert Coppo dated March 6, 2003, as received by the Department on March 17, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Seasonal piers shall be removed for the non-boating season.
8. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00473                      CONDON, THOMAS & LINDA**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair in kind existing 6 ft x 40 ft 3 in piling supported wharf connected to a 5 ft 11 in x 20 ft 3 in piling pier on an average of 100

ft of frontage on Buzzell Cove, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:  
Con. Com. signed application.

**APPROVE PERMIT:**

Repair in kind existing 6 ft x 40 ft 3 in piling supported wharf connected to a 5 ft 11 in x 20 ft 3 in piling pier on an average of 100 ft of frontage on Buzzell Cove, Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Folsom Design Group dated March 4, 2003, as received by the Department on March 17, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. No work will take place during the critical loon nesting period between May 15 thru July 15.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Repair shall maintain existing size, location and configuration.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**GOLD DREDGE**

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**2003-00579                      GILCREAST, MERVYN**  
**(ALL TOWNS)   Unnamed Stream**

**2003-00581                      OBRIEN, ERIK**  
**(ALL TOWNS)   Unnamed Wetland**

**2003-00584                      TAYLOR III, GERALD**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2003-00587                      TREMBLAY, RISE**  
**(ALL TOWNS)   Unnamed Stream**

**2003-00588                      TREMBLAY, LAWRENCE**  
**(ALL TOWNS)   Unnamed Stream**

**2003-00596                      DAVIS, TIMOTHY**  
**(ALL TOWNS)   Unnamed Stream**

#### SEASONAL DOCK NOTIFICATIO

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**2003-00605                      QUIGLEY, DONALD**  
**SANBORTON   Winnisquam Lake**

**2003-00606                      MUSSER, DEAN**  
**EAST WAKEFIELD   Great East Lake**

**2003-00607                      STAUSS, KAREN**  
**MEREDITH   Lake Winnepesaukee**

**2003-00635                      MARQUIS, JOHN**  
**WEBSTER   Lake Winnepocket**

**2003-00636                      SNOWMAN, GLORIA**  
**WAKEFIELD   Horn Pond**



**2003-00637                      KONDEK, TIMOTHY**  
**WEARE   Daniels Lake**